

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID A. GABALDON,

Plaintiff,

vs.

No. CIV 18-0465 JB/KBM

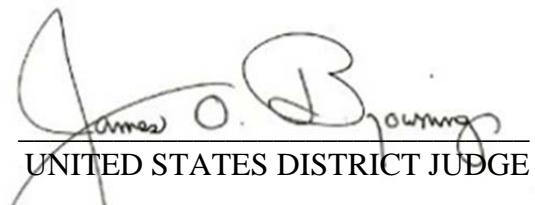
UNITED STATES DISTRICT
JUDGE KENNETH GONZALES,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on a Letter from Plaintiff David A. Gabaldon to the United States District Court of New Mexico (dated May 18, 2018), filed May 18, 2018 (Doc. 1)(“Complaint”). Gabaldon is pro se. The Honorable Martha Vázquez, United States District Judge, imposed filing restrictions on Gabaldon, stating: “Plaintiff also will be enjoined from initiating further litigation in this Court . . . unless either a licensed attorney who is admitted to practice before this Court signs the pleading or Plaintiff first obtains permission to proceed *pro se*.” Gabaldon v. Sedillo, No. 17-1106, Order Imposing Filing Restrictions at 2, (D.N.M.), filed February 22, 2018 (Doc. 7)(italics in original). Because Gabaldon did not have a licensed attorney who is admitted to practice before the Court to sign the Complaint and did not take the required steps to obtain permission to proceed pro se, the Court will dismiss the Complaint without prejudice pursuant to rule 41(b) of the Federal Rules of Civil Procedure. See Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)(noting that rule 41(b) permits “courts to dismiss actions *sua sponte* for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders”).

IT IS ORDERED that: (i) the Letter from Plaintiff David A. Gabaldon to the United States District Court of New Mexico (dated May 18, 2018), filed May 18, 2018 (Doc. 1), is dismissed without prejudice; and (ii) Final Judgment will be entered.



UNITED STATES DISTRICT JUDGE

Parties:

David A. Gabaldon
Albuquerque, New Mexico

Plaintiff pro se